

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23014

PERMIT 15730

LICENSE 10388

ORDER CORRECTING THE DESCRIPTION OF THE SOURCE, POINT OF DIVERSION AND
PLACE OF USE

WHEREAS:

1. License 10388 was issued to California Department of Fish and Game and was filed with the County Recorder of Yuba County on August 22, 1974.
2. An inspection was made on October 21, 1981 and it was determined that the description of the source, point of diversion and place of use should be corrected. This correction is needed to describe the project as it exists.
3. License describes the source as being Cox Creek in Yuba County. A correction is needed to show an unnamed stream tributary to Cox Creek as being the source under said license and to correctly describe the location of the point of diversion.
4. The USGS 7.5' Quadrangle map Smartsville photorevised 1973 shows the Place of Use as being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, T15N, R6E, MDB&M. Licence 10388 describes the same Place of Use as being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, T15N, R6E, MDB&M and the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, both in Section 23, T15N, R6E, MDB&M. A correction in the description of the Place of Use under said license is needed to conform the description with the location on the photorevised quadrangle map.
5. The State Water Resources Control Board has determined that said correction in the description of the source, Point of Diversion and Place of Use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The source under License 10388 be described as follows: Unnamed Stream in Yuba County tributary to Cox Creek thence Dry Creek thence Bear River thence Feather River.
2. The location of point of diversion under License 10388 be described as follows:

North 2,900 feet and West 1,800 feet from SE corner of Section 22, T15N, R6E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 22.

3. The place of use under License 10388 be described as follows:

At Reservoir #1, commonly known as Horseshoe Flat Reservoir, located within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, T15N, R6E, MDB&M.

Dated: APRIL 30 1982

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23014

PERMIT 15730

LICENSE 10388

THIS IS TO CERTIFY, That

STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME
12TH FLOOR, RESOURCES BUILDING,
1416 NINTH STREET, SACRAMENTO, CALIFORNIA 95814

HAS made proof as of SEPTEMBER 19, 1973 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
COX CREEK IN YUBA COUNTY

tributary to DRY CREEK THENCE BEAR RIVER THENCE FEATHER RIVER

for the purpose of RECREATIONAL, STOCKWATERING AND WILDLIFE ENHANCEMENT USES
under Permit 15730 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from MARCH 27, 1968 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TWENTY-ONE (21) ACRE-FEET PER ANNUM, TO BE COLLECTED FROM
NOVEMBER 1 OF EACH YEAR TO MARCH 31 OF THE SUCCEEDING YEAR.

AFTER THE INITIAL FILLING OF THE RESERVOIR, LICENSEE'S RIGHT UNDER THIS
LICENSE EXTENDS ONLY TO WATER NECESSARY TO KEEP THE STORAGE RESERVOIR FULL BY
REPLACING WATER BENEFICIALLY USED AND WATER LOST BY EVAPORATION AND SEEPAGE,
AND TO REFILL IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 60° WEST 800 FEET FROM E1/4 CORNER OF SECTION 22, T15N, R6E, MDB&M,
BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 22.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

AT RESERVOIR NO. 1 WITHIN SE1/4 OF NE1/4 OF SECTION 22, T15N, R6E, MDB&M, AND
SW1/4 OF NW1/4 AND NW1/4 OF SW1/4 OF SECTION 23, T15N, R6E, MDB&M.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF
THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY
OTHER PURPOSE.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: AUG 16 1974

STATE WATER RESOURCES CONTROL BOARD

A. L. Roubeneger
Chief, Division of Water Rights

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